

REMARKS/ARGUMENTS

After entry of this amendment claims 26-37 are pending in the present application. In response to the restriction requirement, applicants elect with traverse to prosecute Group XIX (claims 26 and 35-37) directed to methods of detecting genetically transmitted myeloid deficiency in the present application. Applicants understand that linking claim 26 will be examined with Group XIX and that should claim 26 be found allowable, the claims of Group XVI will be examined, as well. As explained below, applicants traverse the restriction among Groups XVI-XIX. According to the Office Action, Groups XVI and XIX are linked by claim 26 and Groups XVII and XVIII¹ are linked by claims 26 and 30.

According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. *See*, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search (MPEP at § 808.02).

The Office Action indicates that all four of these Groups are classified under Class 435, subclass 7.1. Thus, one of the criteria needed to show an undue burden cannot be met in the present case.

In addition, all of the claims of Groups XVI-XIX are dependent, directly or indirectly, from claim 26. In fact, claim 30, the linking claim for Groups XVII and XVIII, is dependent upon claim 26, the linking claim for Groups XVI and XIX. Claim 26 is directed to methods of detecting genetically transmitted immune system dysfunctions and claim 30 is directed to methods in which the immune system dysfunction is a cytotoxic T cell deficiency. Applicants respectfully submit that a search of the literature for references relevant to claim 26 will uncover art relevant to claim 30. Thus, no undue burden exists in the examination of these two claims. Thus all four groups can be examined without undue burden. In the absence of a


¹ In identifying the linking claims on page 7 of the Office Action, the Examiner refers to Groups "VII and XVIII." Reference to VII is believed to be typographical error and is understood to be XVII.

showing how a search these four groups meet the criteria under §808.02, withdrawal of the restriction among these groups is respectfully requested.

CONCLUSION

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,



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